

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 05-13220
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT JANUARY 26, 2006 THOMAS K. KAHN CLERK

D. C. Docket No. 04-22392-CV-UUB

ROBERT ESCOBIO,
CLAUDIO SALAZAR, et al.,

Plaintiffs-Appellants,

versus

SALOMON SMITH BARNEY, INC.,
a Delaware corporation, aka Citigroup Global Markets, Inc.,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Florida

(January 26, 2006)

Before DUBINA, MARCUS and WILSON, Circuit Judges.

PER CURIAM:

I. BACKGROUND

This is an appeal from an order denying the plaintiffs' verified motion to vacate an arbitration award and granting defendants' motion to confirm the award. The issues presented on appeal are (1) whether the district court erred in finding that the arbitration panel did not engage in any misbehavior by which the rights of the plaintiff brokers had been prejudiced within the meaning of 9 U.S.C. § 10(a)(3); and (2) whether the district court erred in finding that the arbitration panel did not act in manifest disregard of the law when it ruled in favor of defendant Smith Barney.

II. STANDARD OF REVIEW

We review the district court's order on a motion to vacate or confirm an arbitration award for clear error with respect to factual findings and *de novo* with respect to the district court's legal conclusions. See, e.g., *Gianelli Money Purchase Plan & Trust v. ADM Investor Servs., Inc.*, 146 F.3d 1309, 1311 (11th Cir. 1998); *Montes v. Shearson Lehman Bros., Inc.*, 128 F.3d 1456, 1459 n. 3 (11th Cir. 1997).

After reviewing the record and reading the parties' briefs, we conclude that the district court correctly determined that the arbitration panel did not engage in misbehavior prejudicing the plaintiff brokers. We also conclude from the record

that the district court correctly determined that the arbitration panel's decision was amply supported by the record evidence. Finally, we conclude that the district court correctly found that the arbitration panel did not manifestly disregard the law when it issued its award in favor of Smith Barney.

For the foregoing reasons, and because we conclude from the record that there is no merit to any of the arguments the plaintiff brokers present in this appeal, we affirm the district court's order denying the plaintiffs' verified motion to vacate arbitration award and the defendant's motion to confirm the award.

AFFIRMED.